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FISCAL IMPACT STATEMENT

LS 6422

BILL NUMBER: HB 1446

NOTE PREPARED: Dec 10, 2002

BILL AMENDED:

SUBJECT: Offenders on Home Detention.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (A) It requires constant supervision of violent offenders and flight risks on home detention.
- (B) It requires development of written criteria and procedures to determine if an offender placed on home detention is a violent offender or flight risk.
- (C) It requires an entity monitoring an offender to: (1) provide local law enforcement agencies with information indicating whether an offender on home detention is an offender or a flight risk; (2) forward a photograph of the offender to local law enforcement; and (3) immediately contact a local law enforcement agency if the offender violates a condition of home detention.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A:* The Department of Correction (DOC) would likely incur additional costs associated with two aspects of this bill.

First, DOC would need to either add staff to monitor offenders on parole at night or renegotiate its contract with the Volunteers of America to provide the additional monitoring needed under this bill. This is because parole officers currently do not monitor offenders on a constant basis.

DOC currently has 71 parole officers to monitor 6,414 offenders who are on parole. This represents a ratio of 90 paroled offenders to 1 parole officer. Of these offenders, 1,812, or 28%, would be required to be monitored on a 24-hour per day basis. DOC estimates that as many as 30 parole officers may need to be added to monitor these offenders if a ratio of 60 paroled offenders to 1 parole officer is used. If the ratio of offenders to parole officer needs to be reduced, then more parole officers would need to be hired.

Parole officers are classified as PAT III positions. The starting salary of a PAT III is \$27,121. If 30 additional parole officers are needed, the added costs to the state would range from \$1.2 M.

Second, DOC indicates that the current form of electronic monitoring system would not be capable of providing constant supervision. This is because the current form of electronic monitoring is limited to confirming whether an offender is in a designated place at a designated time. Currently, fewer than 30 offenders are placed on electronic monitoring.

A global position system would allow DOC to monitor an offender at any time. Based on reported daily costs of \$10 per parolee for the states of Florida and Washington, the estimated cost for monitoring these 1,800 offenders on a constant basis developing a global positioning system would be \$6.57 M. (1,800 parolees x \$10 per day x 365 days per year). In other states, offenders on parole are responsible for paying some or all of the costs of this monitoring arrangement. To the extent that these offenders on parole are able to pay for the major portion of the costs of a global position monitoring system, the added costs to the state should be minimal. However, if paroled offenders are unable to pay for this cost, then the state would have to assume a greater portion of the cost of the system.

In addition, some administrative costs may be incurred by the Parole Board and the Department of Correction in developing criteria and procedures and a record keeping system for determining whether an offender is a violent offender.

Background Information: Under current law, when offenders are released from the Department of Correction, they are assigned to parole. The length of time that they spend on parole will depend on whether the offense for which they were convicted was a crime for which they have to register with the Indiana Sex Offender Registry. Violent offenses for which registration with the sex offender registry is required include offenders convicted of:

- Kidnaping (if the victim is younger than 18 years if age)
- Rape
- Criminal Deviate Conduct
- Child Molesting

Offenders who are required to register with the Indiana Sex Offender Registry are required to be placed on parole for not more than 10 years. The number of offenders who were placed on parole was 229 in FY 2001 and 284 in FY 2002.

Offenders who are not sex offenders may remain on parole for a maximum of 24 months.

The Department of Correction currently contracts with two agencies for drug testing, electronic monitoring, residential supervised housing, and sex offender treatment for paroled offenders. Volunteers of America provides electronic monitoring and day reporting on a statewide basis for parolees who have substance abuse problems. The Volunteers of America also has a residential component primarily used for parolees in the Indianapolis District. DOC contracts with Liberty Health as part of DOC's Sex Offender Management and Monitoring Program.

While the contractors are acting on behalf of the DOC, each offender is assigned to a parole agent. Each parole agent makes all relevant supervision decisions, such as submitting parole violation reports and recommending offenders for discharge from supervision. DOC reports that currently 71 parole agents

supervise these offenders.

DOC also indicates that the parole staff have arrangements with several law enforcement agencies across the state concerning the notification of the release of offenders on parole. As an example, Marion County requests that all offenders on parole or probation register with the Indianapolis Police Department regardless of offense. DOC assists with this process. Other individual counties have requested updated lists of parolees, which are generally provided directly by the supervising agents. The Department also runs a list of upcoming release dates from the Offender Information System that is sometimes requested from a county. DOC staff also regularly meet with the Indianapolis Police Department to update their violent persons list, which documents information on approximately 200 offenders considered high risk in Marion County.

DOC reports that of the 6,414 offenders who are on parole as of November 15, 2002, 1,820 offenders would be categorized as violent offenders by this bill.

Offense Description	Code Cite	Male	Female	Total
Murder	IC 35-42-1-1	127	3	130
Voluntary Manslaughter	IC 35-42-1-3	31	4	35
Involuntary Manslaughter	IC 35-42-1-4	15	1	16
Reckless Homicide	IC 35-42-1-5	46	2	48
Battery	IC 35-42-2-1	279	15	294
Domestic Battery	IC 35-42-2-1.3	0	0	0
Aggravated Battery	IC 35-42-2-1.5	52	5	57
Kidnapping	IC 35-42-3-2	12	0	12
Rape	IC 35-42-4-1	76	0	76
Criminal Deviate Conduct	IC 35-42-4-2	19	0	19
Child Molesting	IC 35-42-4-3	290	7	297
Robbery (FA or FB)	IC 35-42-5-1	303	6	309
Arson	IC 35-43-1-1	32	5	37
Burglary (FA or FB)	IC 35-43-2-1	385	8	393
Escape/Failure to Return	IC 35-44-3-5	76	15	91
Stalking	IC 35-45-10-5	6	0	6
Total Currently on Parole		1,749	71	1,820

Provision C: HEA 1806–2001 specified that offenders who violate either a home detention order or who intentionally remove an electronic monitoring device can be prosecuted for criminal escape, a Class D felony. This section would limit criminal escape to intentionally removing an electronic monitoring device to a Class D felony. This section could marginally reduce future prison commitments.

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Current law requires any person assigned to home detention to be monitored 24 hours per day if the person has either been convicted of being or alleged to be a violent offender. Provision A creates a new section specifically for persons alleged to be violent offenders who are assigned to a pretrial release program. Consequently, there would be no fiscal impact associated with this requirement.

As of November 2002, 64 counties operated community corrections programs and received state support. DOC reported that 2,443 offenders were in house arrest in 43 counties as of December 31, 2001.

Explanation of Local Revenues:

State Agencies Affected: Parole Board, Department of Correction.

Local Agencies Affected: Community corrections agencies.

Information Sources: Department of Correction,
<http://www.adutytoprotect.org/part2/hightech.asp>
http://abcnews.go.com/sections/primetime/DailyNews/primetime_gps_020509.html
<http://www.nytimes.com/2002/01/31/technology/circuits/31IDEN.html>

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